

DETAILED ACTION

Double Patenting

Claim 8 has been objected to under 37 CFR 1.75 as being a substantial duplicate of claim 17.

Comments of the Examiner

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Reply to the Examiner's Comments

Claims 1, 8 and 11 have been amended, and are distinct from each other.

Claim Rejections -35 USC § 102

Claims 1-17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Keener.

Comments of the Examiner

Keener teaches a board game path with squares (2, 6, 7, 8, 9), lure cards (3) with location, fish specific lure cards (4) with location, game pieces (Fig.2), tackle shop and boat ramp (6), parking lot (5) and dice (Fig.3). Keener further teaches a space defining losing a lure due to a fish (1: 29-36)

Note: rules for playing as in claims 7,14,15,16 do not further limit the apparatus in the claims.

Reply to the Examiner's Comments

Claims 1, 8 and 11 have been amended to distinguish over Keener. Keener does not have, show, or suggest two paths around the game board with one representing a tackle shop and the other the lake. Keener has only one path, the lake.

A comparison of the game of the present invention (Vance) and that of Keener is as follows:

<p>1. Vance's game has <u>two parts</u>, with <u>each part having it's own path</u>:</p> <p>A. The <u>'Marina/Tackle Shop'</u> where players get lures to be used to catch fish.</p> <p>B. The <u>'Lake'</u> where players try to catch fish.</p>	<p>KEENER'S GAME</p> <p>1. Keener's game has <u>only one part</u>, a <u>continuous loop around the Lake'</u> Players get their <u>'Bait'</u> and <u>'Bite'</u> cards while following this continuous looped path around the <u>'Lake'</u>. Players also catch fish while moving around the same path.</p>
<p>2. Vance's game has a <u>designated start and finish</u>. His game <u>starts</u> from a <u>designated space</u> and ends at a <u>designated space</u>. Play <u>starts</u> from the space designated as the <u>'Parking Area'</u> into and once round the <u>'Tackle Shop'</u> <u>counter-clockwise</u>, then proceeds to the <u>'Boat ramp'</u> where players enter the <u>Lake'</u>. Play proceeds <u>clockwise</u>, following the path round the lake to the <u>'Manna'</u>, <u>counter-clockwise</u> round the <u>'Marina'</u> back to the <u>'Boat ramp'</u>. The <u>Game ends</u> when the <u>last player returns to the 'Boat ramp'</u></p>	<p>2. Keener's game has a <u>designated start space</u>, but no <u>designated finish space</u>. Players enter the lake from a designated <u>'Start'</u> space, then follows a <u>continuous looped path</u> round the <u>'Lake'</u>. The <u>Game ends</u> after a <u>pre-determined amount of time</u>, regardless of the position of the players' game pieces or how many times a player moves round the continuous looped path</p>
<p>3. In Vance's game players get their bait <u>before they enter the lake area</u>. The players get a <u>'Lure' card</u> for each <u>'Lure' space</u> they land on in the <u>'Tackle Shop'</u>. There are <u>only two of each 'Lure'</u> and <u>'Fish On' cards</u>.</p>	<p>3. In Keener's game players get their bait after <u>they enter the lake area by moving around the path and landing on 'Bait' spaces on the game board</u>. I did not see how many <u>'Bait'</u> and <u>'Bite'</u> cards in this game.</p>
<p>4. In Vance's game players get one <u>'Second Chance' Tackle Shop' card</u> each at <u>beginning of the game</u>. This <u>'Second Chance'</u> tackle card can be used once only, and then only if players land on the designated square. <u>Marina/Tackle Shop' space on the</u></p>	<p>4. In Keener's game players get more bait <u>each time they land on a 'Bait' space</u>, with <u>no limit in the number of times possible to land on these spaces</u>.</p>

game board.	
5. In Vance's game the <u>weight and specie of fish are displayed on spaces on the game board.</u>	5. In Keener's game the <u>specie of fish is displayed on the 'Bite' card.</u> The <u>weight of the fish is determined by a roll of the dice.</u>
6. In Vance's game <u>when a Player lands on a fish space and he wants to catch that fish, a card is drawn from the 'Fish On' card stack. If the player has the 'Lure' that is designated on the 'Fish On' card drawn player catches the fish and the weight of that fish is recorded on the 'Weigh-In Ticket'. If player does not have the 'Lure' that was designated on the 'Fish On' card he does not catch that fish. The 'Fish On' card is returned to the bottom of the 'Fish On' card stack. The player keeps the 'Lure' card to use again later.</u>	6. On Keener's game <u>when a player lands on a 'Bite' space a card is drawn from the 'Bite' card pile. If the player has one of three baits, the "Bait" designated on the card, the dice are rolled to determine the weight of that fish. The player then decides if he wants to keep that fish. If the player decides to keep the fish it's weight is recorded on the 'Bite' card. The 'Bite' card is kept by the player. The 'Bait' card the player used to catch the fish is returned to the 'Bait' card stack.</u>
7. In Vance's game <u>players roll two dice. hut chooses the number on only one die to determine moves.</u>	7. In Keener's game <u>each player roll two dice and uses the combined numbers of each to determine moves.</u>
8. Vance's games will be produced with <u>one specific specie of fish.</u>	8. Keener's game has a <u>variety of species of fish on each game.</u>
9. In Vance's game there is a <u>limit in the total number of fish</u> that can be caught.	9. In Keener's game there is <u>not a limit shown in the total number of fish</u> that can be caught in the basic game, but does suggest limits in an advanced version

Additional GAME COMPARISONS

<p>VANCE'S GAME</p> <p>10. Vance's game has a <u>'Weigh-In Ticket' pad to record the weight of each fish caught and to tally the weight of all fish caught by each fisherman. This pad is also used to record the 'Tournament Winner', the Big Fish' Winner and order of finish by each player</u></p>	<p>KEENER'S GAME</p> <p>10. In Keener's game you <u>record the weight of each fish caught on the 'Bite' card. The 'Bite' card is kept by the player. There is no place to tally the weight of all fish caught by each player.</u></p>
<p>11. In Vance's game the <u>player that caught the most weight of fish within the limit is the 'Tournament Winner', except in the event of a tie in the top weight. In the event of a tie in the top weight of fish the player that tied in top weight and returned to the Boat ramp' first is the 'Tournament Winner'.</u></p>	<p>11. In Keener's game the <u>'Tournament Winner' is the player that caught the most weight of fish, no limit in the number caught. I did not see a way to decide the Tournament Winner in the event of a tie in the most weight of fish caught. There is not a 'Big Fish Winner' in Keener's game.</u></p>
<p>12. In Vance's game there is a <u>'Tournament Winner' and a 'Big Fish Winner'</u></p>	<p>12. In Keener's game there is <u>only a Tournament Winner'</u></p>
<p>13 In Vance's game there are <u>3 different sets of cards:</u></p> <p>A. <u>The 'Lure' cards that players use to catch fish.</u></p> <p>B. <u>The 'Fish On' cards that players draw to see which 'Lure' is required to catch fish.</u></p> <p>C. <u>The 'Second Chance' cards that players use to enter the 'Tackle Shop' a second time during the game. This card can be used only once, and then only when players land on the space designated as 'Marina/Tackle Shop'.</u></p>	<p>13 In Keener's game there are <u>only two sets of cards:</u></p> <p>A. The <u>'Bait' cards that describe the bait required to catch fish.</u></p> <p>B. The Bite cards that <u>players draw to see what bait is required to catch fish.</u></p> <p>Note: Intermixed into these two sets of cards are cards that <u>require players to lose bait, lose rod and reel, add weight, subtract weight, etc.</u></p>

14 In Vance's game the players select a <u>'Tournament Official'</u> . The <u>'Tournament Official'</u> records the weight of all fish caught, tallys the weight and announces the <u>'Tournament Winner'</u> and the <u>'Big Fish Winner'</u>	14 Keener's game has a <u>'Game Warden'</u> , a <u>'Banker'</u> and a <u>'Tackle Shop Operator'</u> .
15 In Vance's game <u>'Fishing Licenses'</u> nor <u>'Rod/Reels'</u> are used in the game.	15 In Keener's game <u>'Fishing Licenses'</u> and <u>'Rod/Reels'</u> are used in the game.
16 Vance's game is designed for two to four players,	16 Keener's game is designed for two to eight players.
17 A. Vance's game and Keener's game both have a path that players following around the game board. A path that players follow is common in board games. Vance's game has two paths to follow, with one of the paths where players follow it counter-clockwise, and the other path that players follow clockwise and then counter-clockwise. Keener's game has only one path that players follow, with it being one continuous loop. B. Vance's game and Keener's game both use dice to determine moves. Dice are common in board games to determine moves. In Vance, players roll 2 dice, but selected number rolled on one to determine moves.	

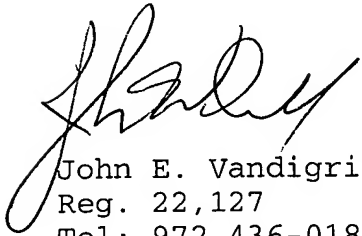
While it is understood that some of the comments are to functional aspects of the gamed, the amendments to Claims 1, 8 and 17 distinguish the present application from Keener, defining patentable features neither shown, nor suggested by Keener.

Additional Note: The Examiner noted that when a player loses his rod/reel, a lure is also lost, although Kenner did not say lose lure. In Vances's game, players lose a lure, but not rod/reel, due to a variety of reasons, mostly due to bad casts. In reality, fishermen do not usually lose rod/reels, but lose lures. If a fish is too large for this rod/reel, the line usually breaks and the lure is lost, but not the rod/reel.

Summary

Since Claims 1 8 and 17 have been amended to patentably distinguish over Keener, it is respectfully requested that Claims 1-17 be allowed, and the application passed to issue.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John E. Vandigriff".

John E. Vandigriff

Reg. 22,127

Tel: 972-436-0184

Fax: 092-221-1200